

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY, *pro se* : CIVIL ACTION
:
v. :
:
:
ROBERT SHANNON, Superintendent of :
the State Correctional Institution at :
Mahanoy; VINCENT MOONEY, Captain of the :
State Correctional Institution at Mahanoy, :
MARY CANINO, Examiner of the State :
Correctional Institution at Graterford, :
JEFFREY A. BEARD, THOMAS L. JAMES, :
ROBERT S. BITNER, OFFICER McCUSKER, :
DERRICK WADE, DONALD T. VAUGHN, :
BERNIE CUDWODIE, ANTHONY L. PETRUCCIA, :
EDGAR M. KNEISS, CAROL DOTTER, SGT. MEYERS, :
LT. BRENNAN, and WILLIAM FULMER : NO. 02-4693

ORDER

AND NOW, this 8th day of June, 2004, upon consideration of Plaintiff's Motion to Compel Answers to Interrogatories (Paper #47) and response thereto, and Defendant's Motion to Stay (Paper #48); and it appearing that:

a) Plaintiff, Wilmer Gay ("Gay"), filed a pro se amended complaint on January 13, 2003;

b) Gay alleges First, Eight and Fourteenth Amendment Due Process rights violations pursuant to 42 U.S.C. §§1983, 1985(2) and 1986, as well as state law claims, for numerous allegations concerning the treatment of his personal/legal property, placement in restricted housing, and disposition of his grievances;

c) Moving defendants are Commonwealth defendants Secretary Beard, Former Chief Grievance Coordinator James, Chief Hearing Examiner Bitner, Former Superintendent Vaughn, Superintendent Shannon, Deputy Superintendents Petruccia and Kneiss, Hearing Examiner Canino, Captains Brennan and Mooney, Lieutenant Wade, Sergeant Meyers, Corrections Officer McCusker, Ms. Dotter, and Mr. Cudwadie. The non-moving defendant is William Fulmer, an inmate.

d) After the Commonwealth defendants filed their motion to dismiss, plaintiff made voluminous discovery requests. The

Commonwealth defendants' motion to dismiss is still pending before this court;

it is hereby **ORDERED** that:

1. Plaintiff's Motion to Compel (Paper #47) is **DENIED** because some of the discovery may not be necessary after resolution of the defendant's motion to dismiss;

2. Defendants' Motion to Stay Discovery (Paper #48) is **GRANTED**. All discovery is stayed pending disposition of defendant's motion to dismiss plaintiff's complaint.

Norma L. Shapiro, S.J.